



Board of Directors MEETING MINUTES

LOS ANGELES REGIONAL
INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

APRIL 4, 2013

Grace E. Simons Lodge
1025 Elysian Park Drive, Los Angeles, CA 90012

Board Members Present:

Gerry F. Miller, Chief Legislative Analyst, City of Los Angeles
Daryl L. Osby, Fire Chief, County of Los Angeles
Timothy Scranton, Fire Chief, City of Beverly Hills, representing the Los Angeles Area Fire Chiefs Association
Mark R. Alexander, City Manager, City of La Cañada Flintridge, representing the Contract Cities Association
LeRoy J. Jackson, City Manager, City of Torrance, representing At Large Seat
Donald "Don" Pedersen, Police Chief, City of Culver City, representing At Large Seat
Gregory "Greg" L. Simay, Assistant General Manager, City of Burbank Water & Power, representing At Large Seat

Representatives For Board Members Present:

Brence Culp, representing William "Bill" T Fujioka Chair, for the County of Los Angeles Chief Executive Office
Patricia "Patty" J. Huber, representing Miguel Santana, for the City of Los Angeles Chief Administrative Office
John Vidovich, representing Brian Cummings, for the City of Los Angeles Fire Department
Sandy Jo MacArthur, representing Charles "Charlie" L. Beck, Vice Chair, for the City of Los Angeles Police Department
Cathy Chidester, representing Dr. Mitchell H. Katz, for the County of Los Angeles Department of Health Services
John Gutierrez, representing Steven K. "Steve" Zipperman, for the Los Angeles School Police Department
Mike Sarjeant, representing Reginald "Reggie" Harrison, for the City of Long Beach
Derek Webster, representing Kim Raney, City of Covina, At Large Seat

Officers Present:

Pat Mallon, LA-RICS Executive Director
Patricia Saucedo, Board Secretary

Absent:

Leroy "Lee" D. Baca, Sheriff, County of Los Angeles
Scott Pickwith, Police Chief, City of La Verne, representing the Los Angeles County Police Chiefs Association
Wendy L. Watanabe, Auditor-Controller, County of Los Angeles
Mark J. Saladino, Treasurer and Tax Collector, County of Los Angeles



I. CALL TO ORDER

II. ANNOUNCE QUORUM – Roll Call

Ms. Brence Culp chaired today's meeting on behalf of Bill Fujioka and made an acknowledgement that a quorum was present.

III. APPROVAL OF MINUTES – (1)

1. March 14, 2013 – Regular Meeting Minutes.

Board Member Mark Alexander requested some corrections. **MOTION APPROVED.**

IV. CONSENT CALENDAR – (None)

V. REPORTS – (2–5)

2. Committee Reports

- a. Finance Committee – Stephen Sotomayor

Stephen Sotomayor, Chair of Finance Committee, reported the LA-RICS Finance Committee has created an Ad Hoc Subcommittee to begin working on the development the funding plan using the selected proposer's proposed pricing. That process has been ongoing. A meeting of the subcommittee is scheduled for today at 1:00 p.m. and it will continue with that work over the next three weeks. It is hoped that a preliminary report can be presented to the JPA in May 2013.

- b. Legislative Committee – Chief Daryl Osby

Chief Daryl Osby, Chair of Legislative Committee, invited Olyvia Rodriguez, Vice Chair of the Committee to provide our Board Members with a report. Ms. Rodriguez reported that the Legislative Committee held a Special Meeting on Thursday, March 28, 2013. The key discussion item was the Public Notice from the FCC regarding the T-Band take-back with a comment deadline of May 13, 2013. The FCC is seeking comments on options for the T-Band Spectrum such as, when, how, and, what spectrum is most appropriate to reallocate the T-Band as required under federal law, PL 112-96? The committee discussed various issues, including fiscal impact, potentially seeking advanced funding, as well as considering various options, especially issues with timing. The LA-RICS staff will prepare draft comments for the Committee's consideration. The draft comments will be reviewed for recommendation to the Board. In addition, part of the recommendation will reference the T-Band report which was released by the National Public Safety Telecommunication Council (NPSTC). That report raised a number of issues including the fiscal impact, timing, and sufficiency of spectrum. The next committee meeting is expected to be on April 17th, and the committee will be meeting every third Wednesday at 1:00 p.m.

- c. Operations Committee – No Report

- d. Technical Committee – No Report

3. Director's Report – Pat Mallon

Executive Director Pat Mallon provided updates on the Land Mobile Radio procurement, in that the evaluation and informed averaging process was completed early last week. Both proposers were notified that we were proceeding with negotiations with the highest ranking vendor. The notice advised that, should negotiations be unsuccessful, we would be moving to the next highest ranking vendor. Both proposers were notified that in keeping with the process outlined in the



RFP, they would be debriefed on their scores and supporting documents at the conclusion of negotiations. We start formal negotiations tomorrow and we held an informal meeting with the vendor yesterday afternoon. All evaluators have been released to their normal assignments; but, have been asked to remain on standby should we be required to reconstitute the evaluation committee. We are hopeful to bring a contract for the Board's review in the June 2013 timeframe.

One proposer did request that they be debriefed before the conclusion of the negotiations. We are following the process that was outlined in the RFP that allowed for debriefings to occur after the completion of negotiations. This is still an open procurement and sufficient opportunity will remain at the conclusion of the negotiations for debriefing before the matter is presented to the Board.

Regarding the FCC Notice of Inquiry reported on by Ms. Rodriguez', we did meet with the Legislative Committee on March 28, and we will be presenting some information for their consideration. We encourage all members of the Authority to respond to the inquiry as individual governing bodies and to define their specific concerns. The responses are due to the FCC by May 13th.

Lastly, in reference to grant funding, we are waiting for approval to a change in scope to our SHSGP grants to allow full engagements to our Jacobs Team. We have been having some back and forth with the State's Cal-EMA as to, what is an allowable grant expenditure?

On the LTE System, we continue to remain on hold. We have been in discussions with FirstNet along with other BTOP grant recipients. We received a draft of the Spectrum Management Lease Agreement on March 15th. We participated in a conference call with the BTOP recipients and FirstNet representatives on March 19th. As previously described, we have some concerns with proposed conditions received from FirstNet in December 2012. FirstNet has tried to address these concerns in the new draft spectrum lease agreement. All the concerns we had with those proposed conditions have been replaced with some new concerns. We have an additional conference call scheduled with FirstNet tomorrow. We are hopeful that after that call we can begin negotiating on an individual basis as there are differences between each of the seven grant programs. Clearly, ours is the largest and we are dealing with unique challenges such as in-building coverage in high-rises, mountainous terrain and how we are going to get 95% coverage in the urban area. We will also be working with FirstNet to identify a focus or demonstration area as part of our grant.

Clearly, one of the remaining issues is indemnification of equipment that FirstNet initially proposed back in December 2012. This is a requirement that they be able to claw back cost of any equipment that is not compatible with the national system. At this point they still have not defined what that national system is going to be. In anticipation of being able to move forward successfully with those discussions, we are continuing with refinement of our LTE RFP. We have communicated with NTIA regarding their participation in the NEPA process. Their initial request is that we combine the CEQA/NEPA process into one report.

Board Member LeRoy Jackson asked, reading back to the minutes, has there been any follow up on the insurance?

Pat Mallon stated, we have submitted requests for quotes to the insurance industry and the California Joint Powers Insurance Authority (JPJA). We have also asked the County's Risk Management group to seek quotes from the commercial sector to see what kind of a price we can get from them. Quotes are not likely to come back until the May 2013 agenda timeframe, if not later.



4. Project Manager's Report – Pat Mallon

Executive Director Mallon reported that the Project Management Report is included in the agenda package.

5. Grant Status Report – Pat Mallon

Executive Director Mallon reported that funding for the Land Mobile Radio system is through the UASI and SHSGP grant programs. The UASI Approval Authority met on March 22, 2013, to approve funding allocations for UASI 2013. The funding allocation for IJ 1 projects was reduced from 48% to 38% this year. This action was taken out of consideration for the delays that the LA-RICS Project has faced in expenditure of past UASI funds. We are confident that once we have a contract in place, all UASI funds allocated to the LA-RICS project will be expeditiously spent. We are concerned that the reduction in funding allocated for UASI 2013 will exacerbate the gap that we have. We will be meeting with the UASI Working Group this afternoon to address the specific allocation of the 38% to IJ 1 projects.

As far as the LTE funding, that will remain unchanged.

VI. DISCUSSION ITEMS (6)

6. Site Access Agreements – Key Points Discussion – Pat Mallon

Executive Director Pat Mallon stated that last month we provided the Board with a summary outline of key points contained in the draft Site Access agreement. He then introduced Amy Caves, the Authority's counsel on Real Estate matters. Following this meeting, our hope is to send out drafts of the site lease agreements to those effected Cities with LTE and LMR sites. For the LMR system, we are going to send out the draft agreements to cities that have sites within their Cities for both proposers. We are not focusing on just one proposer since negotiations have not been concluded. These Cities include Santa Monica, Rancho Palos Verdes, Redondo Beach, Pomona, Long Beach, Glendale, El Segundo, Claremont, Beverly Hills, Agoura Hills, the City of Los Angeles, Gardena, Montebello, and West Covina. For the LTE system, we have almost 60 cities that we will be sending drafts of the agreements. LeRoy Jackson commented that he submitted a series of comments and requested that it be shared with other Board members.

Amy Caves, Real Estate Counsel for LA-RICS, confirmed that we will be addressing his comments during individual negotiations. Mr. Jackson asked if the draft document will be customized city by city?

Amy Caves, confirmed that there will be some room for negotiation and that those negotiations will be conducted individually with each jurisdiction.

Mark Alexander asked about LA-RICS position that it is exempt from zoning requirements.

Amy Caves reported that per counsel's analysis, LA-RICS would be exempt because as a JPA, it has adopted the County's mode. Under the County mode, the Authority would be exempt from zoning and other requirements. Mark Alexander requested additional research on the matter. He also noted that some of the cities may be concerned that this is an adhesion contract. He is concerned that some cities will have difficulty with the exemption from land use zoning requirements, particularly if the sites are in residential areas.



Amy Caves advised that we are aware of those concerns and we will be happy to discuss the issues with each city's legal staff. Each effected city will also have a full opportunity to discuss and negotiate their individual concerns and viewpoints.

Greg Simay commented that he shared the concern with Mark Alexander, and that it would be very controversial in his city, particularly since there were some neighborhood controversies involving other carriers. He asked if LA-RICS would be claiming the immunities of Los Angeles County. Amy Caves stated yes, because LA-RICS has adopted the County mode, the Authority could claim any immunity the County would have by JPA law.

Greg Simay asked if this is being asserted for broadband system only or for both broadband and LMR systems. Amy Caves stated, that would be for either one.

Greg Simay also asked if the Authority would be asserting the right to attach equipment with or without the cities consent. Amy Caves noted that the Site Access agreements were all subject to negotiations, and if a city agrees by contract to certain conditions, that would be the outcome of negotiations. The Authority, however, is not taking the position that it could override a city's objection to providing access to a city site. The agreement provides for pre-approval and consent by all the jurisdictions before anything could be installed by LA-RICS. The contract, as it exists now, would not allow us to come on and do anything without your consent.

Mark Alexander asked when staff was planning on sending out the draft agreements to the cities. There are still some questions that need to be answered before they go out. He requested that answers to those questions be provided before sending the drafts. That gives us an opportunity to get your legal opinion back, addressing these questions, and then we can discuss it at the next meeting. Pat Mallon concurred.

VII. ADMINISTRATIVE MATTERS (7)

7. California First Responders Network Board of Directors – LA-RICS Designee – Pat Mallon

It is recommended that the Board approve Pat Mallon as the LA-RICS representative on the California First Responders Network Board of Directors.

Executive Director Mallon stated, item #7 is a request to appoint a representative to represent the LA-RICS Project on a Board that the State of California is establishing. H.R. 3630, now Public Law 112-96, which established the First Responders Network Authority designates the single point of contact for each State. In California, that point of contact is Karen Wong in the State's CIO's office. The CIO in concert with Cal-EMA will be establishing a 15-member Board within the State of California, the California First Responders Network Board (Cal-FRN) to study and determine the direction of Public Safety Broadband Network in the State of California. We have been working with the CIO and Cal-EMA on the establishment of this Board and they recognize the importance of the two BTOP projects within the State of California, Bay-RICS, and LA-RICS. They have allocated a seat for each project on the 15-member Board and our staff's recommendation is that you appoint the Executive Director, to represent LA-RICS.

Chair Brence Culp asked the Board members, is there a motion to appoint Mr. Mallon as our representative on this body? Board Member Mark Alexander motioned for approval, seconded by Gerry Miller and Patty Huber.

MOTION APPROVED.



VIII. MISCELLANEOUS – (None)

IX. PUBLIC COMMENTS

Chair Brence Culp invited Mr. Victor De la Cruz to address the Board for his public comment.

Mr. Victor De la Cruz addressed the Board. “Good Morning, Victor De la Cruz, I am with Manatt, Phelps, and Phillips, I am here on behalf of Raytheon. Last week, we were notified that the Authority had decided to not schedule a briefing with Raytheon until after a contract with the recommended proposer had been negotiated. This means months may pass before Raytheon is provided a basic understanding of how its proposal was scored. We urge the Board to instruct the Authority to provide an immediate debriefing. From the beginning, Raytheon has been concerned about a fair and open procurement. So a timely debriefing is of great importance to us. In the two previous LA-RICS procurements, a debriefing was provided to the non-selected proposer immediately after notification to bidders of the evaluation committee selection. Likewise, it is standard for the County of Los Angeles to provide a debriefing to the non-selected proposer shortly after the evaluation committee’s review of the proposals. Given the event surrounding the past two RFPs, we did not believe the Authority’s delay, a departure from its own best practices and long established County’s precedence, is in anyone’s best interest. Equal application of the Authority’s discretion to the bidders, as well as complete transparency is of the utmost importance to ensuring the integrity of this contract in process. To be clear, we understand that the debriefing would not include a discussion of the proposal submitted by the company that was selected for the negotiations, only Raytheon’s proposal. After investing millions of dollars and thousands of hours in the LA-RICS RFP, we believe that Raytheon deserves equal treatment in the way of a timely debriefing. Thank you very much for your time.”

Chair Brence Culp stated, Thank you. Last call for other public comments? (No response.)

X. ITEMS FOR FUTURE DISCUSSION AND/OR ACTION BY THE BOARD

- 8. FirstNet Spectrum Lease Agreement
- 9. Insurance for JPA
- 10. Project Funding
- 11. Project Risk Controls

XI. ADJOURNMENT

Chair Brence Culp asked if there was anything else from the Board Members prior to adjournment?

Board Member LeRoy Jackson asked that we put the debriefing issue on the next agenda for discussion, with the pros and cons of such an approach.

Chair Brence Culp asked other questions or comments before we adjourn? Thank you, we're adjourned.